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WM. LLOYD GARRISON, EDITOR.

VOL. XVI.—NO. 46.

## REFUGE OF OPPRESSION.

There is a lucid, straightforward statement of the American doctrine that might makes right. This being the very argument by which slavery is upheld, we give it a place in the Refuge, although it was designed as an instigation to rob people of their lands and not of their bodies.

Correspondence of the Journal of Commerce.

WASHINGTON, Oct. 3.

There can no longer be any doubt that the war with Mexico is popular, to an extent not anticipated when it was undertaken.

There can no longer be any doubt that the original objects of the war have already been lost sight of.

It is now the general belief and expectation that the United States will retain, govern, settle, and occupy the territory that they conquer, or so much of it as may be convenient or valuable to them, on account of its products, situation, or commercial facilities.

No one supposes or will admit that we are to make peace without retaining the Californias. But there are other provinces of equal value to us, and which we just as good a right to retain.

If the war continues, it is a matter of certainty that the pro-slave will become resolved to conquer and retain all Mexico.

Let us observe how much the tone of the press, of the government organs, and of our own, have changed on this subject since the election. Towards the close of the late session, Mr. Chairman of the late Committee of Ways and Means stated that the war would be ended by the fall of next year, and during the latter part of the time experienced great difficulty from being unable to convince some of those whom he addressed that he had ever been a slave. He was induced to publish a narrative giving facts and names, and he was led to this country that he might be out of the way of his master during the excitement consequent on the publication of this narrative of his experience of slavery. His identity was now proved by his master having declared that he would have him, cost what it might. He had consequently left the vaunted land of the free and home of the brave, the eagle with its beak and talons, for the name of the British lion. It was, however, his intention to return to America, as he felt he could not fully do his duty without running some risk. He defined slavery to be the right which one man claims and enforces to a property in the souls and bodies of men. From the relation of master and slave a flood of evil necessarily arises. Cruelty is inseparable from it, for no man readily bows his neck to the yoke of a taskmaster, and there being no hope of reward, there must be the fear of punishment—whips, thumb-screws, gibbets, whipping posts, dungeons, bloodhounds, are the legitimate accompaniments of slavery. He could tell of the physical evils of slavery; he had on his own back the marks of the slave driver's lash, which would bring him to his grave; he has four sisters, one brother, and an old grandmother in a state of slavery. He did not experience the most cruel treatment, inasmuch as Maryland is a slave-breeding State, and therefore it is for the interest of the master to treat kindly his slave. Yet he had seen cruelties which would move the heart of the most hardened man on the shores of England. He had been awakened at midnight by the clanking of chains and the separation of families, who were torn asunder from each other. And this was the work not merely of the impious, but the religious part of the community. His own master was a member of the Methodist Episcopal Church, and a class leader in that church. Methodists are quite as much addicted to slaveholding as any other class. He had escaped his master to a young woman, a cousin of his own, and caused her to stand four or five hours on the end of her toes, and lash her with a cow-skin until the warm blood dripped at her feet; and in justification of this, he would quote that passage of scripture, 'He that knoweth his master's duty and doth not shun to beat with many stripes.' Not long since a man and woman were brought to the auction block. The auctioneer said to the audience, 'Here, gentlemen, come forward, examine for yourselves, the woman is sound, and her limbs were brutally exposed to the gaze of the expected purchasers. Her husband stood by, and after his wife had been sold, he besought the man in the eloquence of silence to purchase him also; but he was struck off to another man, and as they were about to parted he besought that he might take a farewell of his wife. This privilege was denied him; in his attempt to do so, he was struck over the head with a loaded whip by the negro driver, and he dropped dead at his feet. His heart was broken. [Sensation.] Three millions of people are denied by law the right to read the name of God who made them. He designated in the American professors with regard to freedom and equality as consummate falsehoods, and said that America is not seeking to perpetuate and extend the horrors of slavery, and waging a bloody war with Mexico that she may establish a new world where all shall be equal. Americans had the humanity to put an end to it. The Americans were great religious professors, but revivals of religion and the revivals of the slave trade go hand-in-hand together; the church-going bell and the auctioneer's bell chime with each other; the slave prison and hell chime in the same street; and the groans of the slave are drowned by the religious shouts of his pious master. The blood-stained gold of the slave goes to support the pulpit, while the pulpit covers the infernal business with the garb of Christianity. Here are religion and robbery, devils dressed in angel's robes, and hell presenting the semblance of paradise. (Applause.) Mr. Douglass proceeded at great length in this strain, observing that various religious bodies in this country are connected with those of the United States, and urging that no fellowship ought to take place whilst the latter continue to pursue works of blood and misery.

The United States presented a 'fixed fact,' Winnebagos are in a State whose laws are about to be extended over you, and which laws do not allow your residence there. Go, you must, go to your lands, you must.'

The Indian orator, in reply, raised his hand to the heavens, and looking upward, appealed to the Great Spirit for the truth of the declaration, that the Great Spirit made this land for the Winnebagos and gave it to them and their children, etc.

But what will avail this argument, even if the God be admitted?

The Winnebagos were aware that it would have effect; for subsequently remarked that his brothers, he feared, had little regard for the Great Spirit. This last remark, as soon as it was interposed, was confirmed by the ladies present, who rarely listened to an orator so gifted by nature, and never to a man who more thoroughly threw his whole heart into the work in which he is engaged. On the platform were the Mayor (Robert Brown, Esq.), Caleb Richardson and T. J. Blackhouse, Esq., Councillors Thompson and Morley, Mr. John Hills, Mr. James Hills, and other gentlemen.

The Mayor, having been called to the chair, opened the meeting with some excellent introductory observations. After observing that there is no country in which the great question of civil and religious liberty is so well understood as in Great Britain, he said—I should be very far from wishing to convey the idea that even in this country our public liberties are placed on such a basis as to prevent the evil of slavery. When sordid and evil it is at once let loose, who can stay the plague? Again we ask, who?



## THE LIBERATOR

OUR COUNTRY IS THE WORLD—OUR

BOSTON, FRIDAY,

## COUNTRYMEN ARE ALL MANKIND.

NOVEMBER 13, 1846.

All men are born free and equal—with certain natural, essential and unalienable rights—among which are life, liberty, and the pursuit of happiness.

Three millions of the American people are in chains and slavery—he held as chattels personal, and bought and sold as marketable commodities.

Seven thousand infants, the offspring of slaves parents, kidnapped as soon as born, and permanently added to the slave population of Christian, (the Republican, (?) Democratic, (?) American) every year.

Immediate, Unconditional Emancipation.

Slaveholders, Slave-traders and Slave-drivers, are to be placed on the same level of infamy, and in the same abominable category, as kidnappers and meurers—a race of monsters unparalleled in their assumption of power, and their despotic cruelty.

The existing Constitution of the United States is a covenant with death, and an agreement with hell. NO UNION WITH SLAVEHOLDERS!

J. BROWN YERRINGTON, PRINTER.

WHOLE NO. 827.

From the Cincinnati Philanthropist.

## POLYGAMY—AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

Had it not been for our somewhat protracted sickness, we should have noticed sooner the action of the American Board of Foreign Missions, at its late session, on the subjects of slavery and polygamy. The Board is one of the foremost benevolent institutions of this country. It is composed of men of the highest standing, belonging to many of the most influential denominations. It has long received the emanation and liberal support of a large portion of the religion and intelligence of the Union. It has many missions and numerous missions under its charge in different parts of the world, and so far as their operations extend, exerts the most important influence in determining the character of the Christianity propagated among the heathen.

Mr. HORTON: 'They did so.' (Shows of order.)

Mr. DOUGLASS declared they did not. They excluded Quakers, Plymouth brethren and Unitarians, and they welcomed to their communion the main-stealer. (Applause.) Like certain persons of old, they shamed at gaths and swallowed snakes. Mr. Douglass condemned, in similar strong terms, the conduct of the Free Church of Scotland in welcoming men-stealers to its fellowship, and after bearing his testimony to the invaluable exertions made by the Wesleyans for the abolition of slavery in the British Colonies, exhorted them to still further and more extended labors. He concluded by expressing the pleasure he had in visiting Sunderland, the first ship-building port in the world, having been himself for some years brought up as a caulker in a ship-building yard at Baltimore.

The Mayor then invited Mr. Horton to come upon the platform, with which invitation the reverend gentleman complied. He at once offered his hand to Mr. Douglass, which was accepted, whilst he cordially welcomed him to Sunderland. (Applause.) He congratulated him as a free man in a free country, and one well worthy of the freedom which he possesses. They had all been delighted with his manliness, courage, powerful eloquence and lofty feelings; and he was sure that he had listened to him with the greatest possible satisfaction. He hoped that no man would be better pleased than Mr. Douglass himself to hear a word or two of explanation in reference to some subjects on which he had touched. And first, with respect to the Evangelical Alliance. In drawing up the paragraph which states the objects of that body, especially in regard to the slaves, he had done his best to impair the sensibility of the religious mind in this country upon the subject of slavery, to lull the conscience of the slaveholder, (for what slaveholder will not find his case embraced within the exception?) and obstruct the efforts of the anti-slavery movement.

What is this 'American Board'? An association for the propagation of Christianity—not a half, but a whole Christianity. Doubtless, there are doctrines, hard to believe, observances difficult to be maintained, which a worldly wisdom might deem prudent not to press upon the Pagan mind; but the Board, though itself an ecclesiastical body, is bound to see to it that no one jot or tittle of the requirements of Christ's religion be kept back, from any motive whatever.

But what has been its course? Its missionaries in some instances have admitted slaveholders into their churches, and when the subject has been presented to the notice of the Board, that body, instead of disallowing their action, has stamped it with their approbation; condemning, in several terms, the system of slavery, but admitting that there may be slaveholding without sin—by this exception opening an highway for slavery into the bosom of the church. The tendency has been to impair the sensibility of the religious mind in this country upon the subject of slavery, to lull the conscience of the slaveholder, (for what slaveholder will not find his case embraced within the exception?) and obstruct the efforts of the anti-slavery movement.

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What is this 'American Board'?

Is Polygamy inconsistent with the principles of Christianity, and injurious to the welfare of the human race? Then, no matter how sensible may be the Polygamist, or what evidences of Christian character he may give, in this respect he is wanting—exclude him from the church, for the church should represent and embody a pure Christianity. Such exclusion will be the best reformatory influence you can bring to bear upon him. And, it is reasonable. Some churches hold that the sacraments are necessary to the constitution of a true church. They refuse to admit into their communion, those who do not assent to this doctrine. But, do they thereby intend to question the Christian character of all dissentients? Do they thereby assume that the Friend, for example, may not be a genuine Christian? Not at all. They simply act out their own convictions of what is right. What right have Slaveholders or Polygamists to complain, on being excluded from churches which hold that slavery and polygamy are at war with the principles of Christianity? These churches set out their own principles—they legislate for their principles, and not for the exceptions to them. They do not pretend to say that there may not be slaveholders who are real Christians, but the practice of which they are guilty, they deem unchristian, and for this reason they exclude them; just as they would exclude a person who would not submit to the sacraments.

Reported for the Journal of Commerce.

#### COURT—COURT—Saturday.

JUDGE EDMUND presiding.

In the matter of George Kirk, a fugitive slave.

When this boy was before me on a former occasion, no principle of law was involved, but mainly a question of fact, arising out of the return. On the present occasion it is quite otherwise. The question now presented is the constitutionality, and consequently, the validity of a statute of our State.

It is not from any choice on my part, that I am called upon to consider this question. If my wishes had been consulted, the case would have remained with the Mayor until he had decided it, and even then, I should have been much better pleased if the review of his decision had been committed to some functionary whose other duties would have allowed him more leisure than I can command to examine it. But the party had a right to bring the matter at once before me; under our statute, I was bound to allow the writ of Habeas Corpus, even if I had been fully convinced of the legality of the imprisonment; and the return made to the writ necessarily raising the question to which I have alluded, it becomes my duty to consider and decide it, a duty from which I am not at liberty to shrink, and which I hope may be able to discharge without partaking of the excitement which has surrounded the question from the beginning.

It is conceded on the record that George is a slave, owing service to a master in Georgia; that without the consent of his owner, and without the knowledge of the officers or owners of the vessel, he concealed himself on board the brig Mobile, in the port of Savannah, for the purpose of securing a passage to New York; that his being on board was not discovered by the officers of the brig until they had been at sea two days on their return voyage, and had got without the territory of Georgia; that as soon as he was discovered, he was arrested and confined until his arrival in this port, and that on his arrival, the captain took him before the Mayor, to the end that he might obtain from the Mayor a certificate which should warrant him in returning the boy to the port of Savannah; that the owner of the slave does not demand him under the constitution and laws of the United States, but he is demanded by the claimant, simply by virtue of his station as master of the vessel, and by virtue of a provision of our statutes.

Such are the facts of this case. The law applicable to it, is to be found in § 151, Rev. Stat. 650, which enacts that whenever any person of color, owing labor or service in any other part of the United States, shall secrete himself on board of a vessel lying in any port or harbor of such State, and shall be brought into this State in such vessel, the captain or commander thereof may seize such person of color, and take him before the Mayor or Recorder of the city of New York. The officer before whom such person shall be brought, shall inquire into the circumstances, and if it appear, upon proper testimony, that such person of color owes service or labor in any other State, and that he did secrete himself on board of such vessel without the knowledge or consent of the captain or commander thereof, and that by so doing he subjected such captain to any penalty; such officer shall furnish a certificate thereof to such captain or commander, which shall be a sufficient warrant to him to carry and send such person of color to the port or place from which he was so brought as master of the vessel.

It must constantly be borne in mind, that the question does not depend, in itself, of, in fact, it is any way connected with an attempt on the part of the owner of the slave to enforce his rights under the Constitution of the United States and the law of Congress of 1793, but arises solely out of a State statute, which authorizes another person, in no respect connected with the owner of the slave, nor acting by his authority, to re-transport him from our territory to the place where he had been held in bondage, and where again he may be returned to bondage.

In other words, while the Constitution of the United States gives to the party to whom the service or the labor may be due, the right to reclaim his servant, and the law of Congress extends that right to the agent or attorney of such party, it is claimed that the State Legislature has a right to interpose and extend the right to a third person, not acting for or by authority of the owner, but merely because he was the commander of a vessel on which the slave may have concealed himself, and because by such concealment, the commander may have become liable to a penalty.

Such is the authority which the Mayor has been called upon to exercise, and which it is insisted has not been, and cannot be conferred upon him by the State Legislature.

Two objections are raised to this claim of authority.

1. That the provision of the Revised Statutes authorizing the proceeding, has been virtually repealed by an act of our Legislature, passed in 1840.

2. That if it has not been repealed, it is repugnant to the Constitution of the United States, and therefore inoperative and void.

The conclusion to which I have arrived on this point renders an examination of the first unnecessary.

The section of the Revised Statutes under consideration is part of Title VII, chap. 20 of the First Part, which is entitled, 'Of the importation in to this State of persons held in slavery, of their exportation, of their services, and prohibiting their sale'; and is a Revision of the Act of 1817, entitled 'An act relative to slaves and servants.'

The 30th section of the act of 1817, which contains the provision which has been incorporated into this 15th section of the Revised Statutes, is preceded by a recital that 'whereas persons of color owing service or labor in other States, sometimes secrete themselves on board of vessels while such vessels are lying in the ports or harbors of other States, and thereby subject the commanders thereof to heavy fines and penalties.' And it is worthy of observation that the act of 1817, as well as this title of the Revised Statutes, aims at prohibiting the exportation as well as the importation of slaves, and that while the act of 1817 abolishes slavery after the 4th of July, 1827, the Revised Statutes declare that every person born in this State shall be free, and every person brought into this State as a slave, except as authorized by this Title, shall be free.

It may well be questioned whether, as this slave was brought into this State in a manner not authorized by the Revised Statutes, he did not thereby, under our law, become *ipso facto* free, and whether this proceeding before the Mayor is not, therefore, in effect, a proceeding to carry a free citizen into bondage. But I do not consider that point, as it was not raised before me in the argument, was not discussed, and is not necessary to the decision of the question before me.

The broad question discussed, and which I am called upon to decide, is, whether our State Legislature have authority to pass this law.

The point has never, far as I can learn, been decided, or even agitated in our State, and it is to present to us the not only as a new one, but in the imposing form of a difficulty from a decision that a law of our State is repugnant to the constitution of the United States, and therefore void.

Fully aware of the difficulties with which courts should always entertain such questions, I approach this, with all the caution becoming the gravity of the cause, yet with a lively sense of what is due to per-

sonal liberty and the fraternal relations existing among the members of the Union.

As I have already mentioned, the statute under consideration was first enacted in 1817, and was subsequently re-enacted and went into effect as part of the revised statutes, in 1830. In 1834, the Supreme Court of this State, in *Jackson v. Martin*, 12 Wend. 311, held that the law of Congress, in regard to fugitive slaves, was supreme and paramount from necessity—that so far as the States are concerned, the power, when thus exercised, is exhausted, and though the States might have desired a different legislation on the subject, they cannot amend, qualify, or in any manner alter it, that though the act of the State might not be in direct repugnance to the legislation of Congress, it does not follow that it is not in legal effect; that if they correspond in every respect, then the latter is idle and inoperative; if they differ, they must, in the nature of things, oppose each other so far as they do differ; that a fair interpretation of the terms in which the provision of the Constitution is expressed, prohibits the States from legislating upon the question involving the owner's right to his slave; and that while the law of Congress, thus passed, exists, the power of the States is suspended, and, for the time, is inoperative as it had never existed.

The case of *Jackson v. Martin*, was carried to our Court for the correction of errors, and the judgment of the Supreme Court was affirmed. The reasons given for the decision in the Court of last Resort, as reported in 14 Wendell 507, differ from those given in the Court below, the positions of the Supreme Court, as I have extracted them, were in no respect disturbed, but have ever since remained and are now the law of the land, governing the Courts and citizens of this State.

In 1842, the Supreme Court of the United States in *Prigg vs. Pennsylvania*, 16 Peters 533, had the same question before them. It arose out of various states which that State as well as New York and other northern States, had, from time to time, been enacting on the subject of slavery, and which contained among other things, provisions very like those in regard to slaves who had absconded from other States.

Judge Story, in delivering the opinion of the Court, declares that the law of Congress may be truly said to cover the whole ground of the Constitution, not because it exhausts the remedies which may be applied, but because it points out fully all the modes of attaining the object which Congress have as yet deemed expedient or proper to meet the exigencies of the Constitution. And he adds:

If this be so, then it would seem, upon just principles of construction, that the legislation of Congress must supersede all State legislation upon the same subject, and, by necessary implication, prohibit it. For, if Congress have a constitutional power to regulate a particular subject, and they do actually regulate it in a given manner and in a certain form, it cannot be that the State legislatures have a right to interfere, and, as it were by way of compliment to the legislation of Congress, to prescribe additional regulations, and what they may desire, it exhausts the remedial power over fugitives from service, which the Free Church of Scotland, had aroused public attention in an uncommon degree to the matter of American Slavery, and Mr. Garrison was, of all men in the world, the man to meet the demand for light thus created. Wherever he goes he is greeted by immense and enthusiastic audiences, and the calls for him are much beyond the possibility of his meeting them. A delay, therefore, which would enable him to visit some of the most important cities, and those especially with which we have had, in some sort, personal relations, seemed to be demanded by the true interests of his mission.

We are next to look upon the persons for whose benefit it was passed, to see that they are the people of our state. Yet this statute does not confine the power of re-caption to the commanders of vessels, being citizens—it confers it on all commanders, reside where they may. And it is far from being limited to those for whose protection and welfare, in the language of Judge Barbour, our legislature is bound in duty to provide.

We are next to turn our attention to the purpose to be attained, to see that it is to secure that very protection and provide for that very welfare. The argument is that this statute had its origin in the desire to protect our citizens from the evil example of having slaves among us, yet that very statute prohibits the removal of slaves from our territory by highly penal enactments and surely if the welfare of our citizens and their security from the evil example of slavery were the object in view, it could be attained as well and far more easily by transporting the slave to a free state, which it probably commands.

And lastly, we are to examine the means by which these ends are to be attained, so that they bear a just, natural, and appropriate relation to those ends.—There is no special pleading, no refinement of reasoning that can disqualify from a common understanding the fact that the whole object of the statute was, to allow the commander of the vessel to protect himself by retaking and returning the fugitive, and the means used, namely, and his certificate, were natural and appropriate to that end, and to none other. If any other end had been in view—if the protection of our people at large had been aimed at—there would have been something compulsory in the law, something rendering it obligatory on the captain to afford us the desired protection. But every thing is left to his discretion. If he please, he may retake, and, after retaking, if he please, he may return the slave to the place whence he fled. If the captain should chance not to be a citizen of this State, it would be difficult to discover how it could benefit this State, yet under no circumstances would it be difficult to see how it could benefit the owner to have his fugitive servant placed again within his reach. In every aspect in which I view this statute I cannot help regarding it as intended and calculated to aid in returning a fugitive slave to his master; and it seems to me that the claimant in this case, and his counsel have so understood the law, and have acted accordingly. Else why was the boy confined on board the vessel after her arrival here?

Why does the captain plead his obligations to the laws of Georgia, when those laws compel him to return the boy to his owner? Or why, when George was making every effort, with the assistance of numerous friends, to escape from the State, did the captain leave the side of the police to arrest these efforts; and why does he now press this claim, but that he may do that which the constitution and laws of the United States declare shall be done only by the party to whom the service is due, or his agent or attorney? I do not allude to these considerations for the purpose of even implying a charge upon the commander of the vessel or her owner, but solely with a view of drawing from his acts and those of his very respectable counsel, the consolation justly flowing, that he and they do in effect and from necessity, vindicate our statute precisely as I do, namely, in the language of the U.S. Supreme Court, as by way of complement to the Legislation of Congress, prescribing additional regulations, and what they deem, auxiliary provisions for the same purpose.

It must have occurred to all who have given this subject much consideration, as it has to me, to observe the extreme watchfulness with which this provision of our national constitution has been regarded by our highest courts. It is not worth my while to pause and inquire into the cause or the propriety of this. It is enough to know that whenever any State legislation, attempting to interfere with the question, has come before our highest courts, it has without ceremony been swept from the statute book. Our statute regulating and controlling the master's right of reclaimation, and allowing to the slave the benefit of the writ of habeas corpus, fell before the decision of our Supreme Court in *Jackson's case*. The laws of Pennsylvania, running through a period from 1780 to 1820, and containing a provision like that now under my review, were overthrown by the Supreme Court of the United States in *Prigg's case*; and I only discharge my duty—albeit, indeed, merely from its plainest and most simple dictates—by declaring that the rule of law thus laid down by the highest judicial tribunals in the country, and whose decisions I am bound to respect, and to enforce, as applicable, renders the statute null and void, and the arrest and detention of Kirk under it, improper.

Complaint was made during the argument, that this police power was exceedingly vague, uncertain and indefinable, and hence, I suppose, an inference was to be deduced that I ought to regard the claim of power with little favor at least. In the very nature of things it must be difficult, in few, or perhaps in many words, to define the power; for it comprehends an immense mass of legislation, inspection laws, quarantine laws, health laws, internal commerce, roads, ferries, &c., &c. Yet, immense as is this mass, and various are the interests embraced in and affected by it, it seems to me that the rules laid down by the Supreme Court of the United States, as I have already quoted them and the tests which they provide, are plain and simple and easy to be understood, and in their application to this case entirely decisive and satisfactory in the result to which they lead us.

To apply first, the rules given us in the case of *Prigg*, in 16 Peters.

The police power extends over all subjects within the territorial limits of the state, yet our statute does not confine its operation within our limits; but provides, in case the fugitive is from another state, for the return of the fugitive back to the place whence he fled.

We may remove slaves from our borders to secure ourselves against their depredations? To transport the slave to Canada or Connecticut would effect this purpose, yet that is not allowed by our statute. He must, in compliance with its command, be returned only to his place of bondage.

The rights of the owners are not to be interfered with or regulated.

Yet what is a compulsory return of the slave, with or without his owner's consent, to the place whence he fled, but an interference with, or regulation of, the master's right to control his movements and govern his person?

The state regulation is, 'not to interfere with the remedy prescribed by Congress.' Congress has limited the power of re-caption to the owner, his agent or attorney, but our state law has removed that limitation. Congress has protected the rights of the owner, by securing the reclamation to him and those appointed by him, yet our statute gives to the commander of the vessel the power of transporting the slave beyond even the reach of the owner.

Such is the result of the rule furnished us by Judge Story. The application of Judge Barbour's test, will be found equally satisfactory and conclusive.

The power exercised in this statute one embracing a master within the territory of the state, not surrendered to the government, and which can be most advantageously exercised by the state? It cannot be most advantageously exercised by the state. It cannot, indeed, be exercised at all without the consent of the state from which the slave fled. Suppose that any slave state should forbid the return to its territory of a fugitive slave, could our law commanding his return be enforced? It could be enforced only by the national government, and therefore the power has been surrendered by the states to the general government. Such is the conclusion of our Supreme Court and the Supreme Court of the United States. Not an element, then, of Judge Barbour's definition is applicable to this statute.

But to proceed with his test:

We are to look at the place of its operation to see that the statute operates within the territory of New York; yet the main object of this statute plainly is, not the removal of the slave from our borders, but his return to the place whence he fled, involving of necessity the operation of our statute, without our territory and without its jurisdiction. Could it be more so if it provided that every slave arrested in our street should be transported to, and abandoned, in the streets of Savannah?

We are next to look at the person on whom it operates, to see that he is within the same territory and jurisdiction; yet this statute must, of necessity, operate both on the slave and the commander of the vessel more out of the state than in it.

We are next to look upon the persons for whose benefit it was passed, to see that they are the people of our state. Yet this statute does not confine the power of re-caption to the commanders of vessels, being citizens—it confers it on all commanders, reside where they may. And it is far from being limited to those for whose protection and welfare, in the language of Judge Barbour, our legislature is bound in duty to provide.

The universal feeling on the part of the most intelligent abolitionists abroad is, that his visit could not have been better timed, or made at a time when he would have had a more ready audience, or produced a more beneficial impression. The pro-slavery action of the Evangelical Alliance following so closely upon that of the Free Church of Scotland, had aroused public attention in an uncommon degree to the matter of American Slavery, and Mr. Garrison was, of all men in the world, the man to meet the demand for light thus created. Wherever he goes he is greeted by immense and enthusiastic audiences, and the calls for him are much beyond the capacity of his meeting them. A delay, therefore, which would enable him to visit some of the most important cities, and those especially with which we have had, in some sort, personal relations, seemed to be demanded by the true interests of his mission.

The elements in Great Britain seem to be in a very wholesome state of Anti-Slavery agitation. The religious public appears to be in a very *Americanized* state. The struggle between sectarianism and anti-slavery duty is the same there that it has been here.

Mr. Garrison remarks, in one of his speeches, that while the public mind of America is becoming gradually anti-slavery, that of Great Britain appears to be fast becoming pro-slavery. And so it is, undoubtedly, according to external appearances.

In point of fact, however, it is but the application of the true test which is separating the false from the real. They who follow after the Free Church or the Alliance in their pro-slavery knew not where they affirmed, or of what spirit they were, when they thought they were abolitionists.

Can gold prove worthless that has stood the touch? No! gold it seemed; but it was never such!

In fact, some of the reverend hair-splitters, in their attempts to divide it between the north and northwest side, out-yankie the Yankees. They are *Americans ipsi Americior*—more Americans than the Americans themselves!

These *Brummagem* imitations of base originals, that terrible assay-masters in Mr. Garrison and Mr. Thompson: They understand their composition perfectly, and have always the tests at hand that they did not fit. Why does the Free Church of Scotland, in direct retrogression upon the path they have been treading—they do not eat the brave words they have been uttering with such eager zest, and upon such a provocation—without a deeper change of feeling than he was willing to admit at the time of his enlistment.

A lying enactment of a profligate Congress, declaring an act of self-defence on the part of a nation invaded by a piratical bandit, to be an act of aggressive warfare, would not convert an abolitionist into an armed plunderer of land for the use of slaves; were there not a deeper cause for his conduct than his fears for the safety of his country. Mr. Clay changed his coat morally as well as literally when he doffed the weeds of peace for the uniform of a Captain of cavalry. He was no longer worthy of confidence. He could not be trusted in an enterprise like that which has for its end the abolition of Slavery.

It was for this reason that we advised Abolitionists

to discontinue the *True American*,—although we could not but allow that it was a better conducted paper, and more thoroughly Anti-Slavery, than it had ever been. But this was a 'happy accident,' as the Emperor Alexander told Madame de Staél, it was that the Russians had a good master. As long as Mr. Clay's paper was the most popular, it was liable at any moment to be changed. Its character depended upon the caprice of a man, who had, in the very most favorable view of the case, been taken to be a master of his own fate.

Our friends have been very busy since the last account. The following seem to have been among the most successful meetings which they have held.

A great meeting was held at Norwich, (Oct. 3d,) to consider the conduct of the Alliance. A week before, the Rev. M. Clarke, a colored minister from Washington, who had been a leader of the pro-slavery members of the Alliance as their representative, and champion, had held a meeting at which he defended the conduct of the Alliance, and maintained that slaveholders might be good Christians. This meeting was called to reply to his positions. It seems to have been a very great and enthusiastic one. A Rev. Mr. Clowes took the pro-slavery ground, and endeavored to explain and defend the positions of Mr. Clarke. Mr. Thompson, however, and they who remember how he used to crush his pro-slavery antagonists when in this country, may form some idea of the annihilation of Mr. Clowes. This speech seems to have been one of his happiest and most successful efforts. His testimony to the character and services of Mr. Garrison, (who was not present,) was equally touching and beautiful. We shall give some extracts from this speech in the next Liberator.

This Mr. Clarke, soon after this meeting, published a letter in which he declared that he had changed his opinion as to the propriety of fellowshipping slaveholders, in consequence of what he had heard in England. It is a little singular, that a man born and bred in a slave country should have to go to England to learn that! We trust that this fruit of his travel will abide

MEETING AT NEW BEDFORD.  
The State's Governor, by a large majority, more than twenty-six antagonists! The president of the Whigs is trans-

are disappointed at the thing to lead us to expect in the State, well, and had emphatically expressed in it would do its pleasure. She who was once an anti-slavery professional, to make amends to the follies of part time. She who did not and never has placed herself, nor of what they form the nation. The Democrats fine words, such a confession, to make in honor of Whigs with greater honor whatever they had done. We think our New Bedford friends may rock us a prosperous and profitable meeting.—q.

Massachusetts have the Loco Foco party, in the Mexican war, it would spare its conduct with that names and baseness. They honest and out spoken in have proved themselves for the hypocrisy with disguise it. They have, and we hope will put it on. Their professions of hostility to the present they ameliorate to Heaven: try is to them, but a supplying cotton mills with gloat over the blood that fond hope to win it in the of Congress, by the

proved the heart of Man, was not left wholly without were found some five thousand loose from their party war and slavery, by replacing substituted for Mr. Seward's symptom. They now know it, that the ones charged over them. We will strengthen as assault, which, indeed, they have done all they're doing their skirts of this thing we see, are long, the of things, be a truly sin under the Constitution, to the destruction of the nation, and not to us

is made apparently in the entire province of the State. The vice we city, and had the Democratic force as on former occasions have been much less, at election of Mr. Briggs, hardly have been present. We believe the decrease attributed, in a good deal of the pro-slavery disposition to be of no. There is a remnant left, a clanger of a popular general heat, to which the Putmans —.

MEETING AT QUINCY.  
of the Norfolk County A great success on Thursday proceedings and resounding column. The res-

on business, and will be on Wednesday, that also Mr. Moody, however, on the evening, and had a very occasion, as we understand of opposition, which only to the truth.

er was very fine, and wagons were on the ground more in the afternoon, so crowded. The meetings were discussed as to the extensive agitation. No village proposed the most conventions, such as have service in the temperature on this subject were far avation was taken.

tations of the Church and ample justice was done and Phillips. It is the State, and especially the Constitution of the gospel of Disraeli and himself. Mr. Phillips in action and effect. He

ing with a very important, the conduct of G. M. before, was easily and apparently deeply anxious among the ranks of John Quincy Adams. His interest in his slavery, even though it is not his way, he is being present at the building for the afternoon; but the meeting was from the meeting of the upper part of was altogether most

the advertised arrangement, each individual occasion, each individual own provision with the demand for general and of trouble to the friends meetings are held, and take the holding of a few are few or none. And, very precious, and economic among abolitionists —.

FATIGUE HALL  
AS OUR PARENTS  
DIED BY IT AND  
BY THE Boston Atheneum, with all to it. How much sooner than this prodigal statement? Yet this man is a

Wendell Phillips offered the following resolution:

The first amendment was, that the Liberty Party was not an anti-church, an anti-ministry, anti-sabbath, or anti-government party—all uttered in a manner to convey the impression that the anti-slavery movement proper, is such. The denouement

## THE LIBERTATOR.

to her duty, else no man educated in this community would have been capable of such an act, and the community would never have tolerated such a man, had he existed. A strong evidence also, of the utter necessity of breaking this Union in pieces, since its existence under any other constitution is impossible, and its continuance under this, ensures contempt and disregard for the law, as no law can be respected, which is unworthy of respect, and the public conscience habituated to despise it, grows used to transgress all law, and trifles with all rights.

On this resolution, Parker Pillsbury made one of his happy speeches at the opening of the meeting to receive the old Bristol County Society, or to tell, to the new. Circumstances, which it is not easy to explain, have not allowed him to speak again in this Society, some few years since. The abolitionists in those regions feel the want of organized action, and they will take measures to provide themselves with what they need. There are no friends in that country, for a very efficient and reliable Society, and we cannot doubt that its formation will be followed by the happiest results.

The object of Mr. Garrison's return home will prevent his being present, as was hoped at the time the Committee was projected. Mr. Phillips, however, will be present during the meeting, and we presume the other gentlemen named in the call may be depended upon. We think our New Bedford friends may rock us a prosperous and profitable meeting.—q.

## THE NORFOLK CO. A. S. SOCIETY.

The Norfolk Co. A. S. Society held its quarterly meeting at Quincy, on Thursday, the 5th instant, in the town hall. Owing to the inclemency of the weather, the Society held no meeting on Wednesday afternoon, as advertised; but a respectable audience was addressed in the evening by Messrs. Pillsbury and Moody.

On Thursday, there was a numerous attendance of members and friends of the Society from Quincy, Weymouth, Dorchester, Milton, Dedham, Hingham, Abington, Plympton, and other towns. In the evening the hall was entirely filled with a most intelligent and attentive audience.

The following resolutions, reported by Wendell Phillips, as chairman of the business committee, were adopted, after being fully discussed by Messrs. Phillips, H. W. Blanchard, Quincy, Pillsbury, Moody, Keady, Increase S. Smith, and others:

*Resolved*, That in the escape of the slave George from illegal violence and restraint at New-York, we had one solitary triumph of justice and humanity: exposing, as we do, in this evidence of a correct patriotic feeling which cheered the slave's friends and enraged the too willing agents of the master, we show that our capital should present such a sullen in the utter deadness of public feeling and indifference of law, justice and humanity, of which the community has been the witness.

*Resolved*, That the just light in which we can look upon the present war of the United States upon the republic of Mexico, is that of a strong and powerful robber—murdering and plundering his weak and comparatively helpless victim.

These resolutions were discussed by Wm. A. White, Mr. Phillips and Mr. Stetson, and the meeting adjourned to meet at the Town Hall, at half past 6 o'clock in the evening.

The Society met at half past 6, and the resolutions were read—when eloquent and soul-stirring speeches were made by Parker Pillsbury, Rev. Mr. Stetson, Loring Moody and Wendell Phillips, in favor of their passage. And although these appeals were made to an audience, more than two-thirds of which made no pretension to anti-slavery, yet when the resolutions were put to vote—not a dissenting *No* was heard, all being invited to vote one way or the other who felt any interest in them,—a large number voting for them who had never before known the principles of the true-hearted Abolitionists. I dare not attempt any description of the speeches; to be known they must be read by the living voice of the speaker; and to be duly appreciated, they must be listened to with a mind, at least, raised above the requested silence. When I commenced, he began a loud conversation directly in front of me, taking no notice of my speaking or my presence, than as if no speaking had been going on. I honored his prudence. He knew better than to submit his speech to my dissection, coarse and bungling, but (not over-carefully) with the running-pipe, are also rendered in great numbers. N. B. *The wreaths and hoops should be sent in ready for use, as there will be hardly time to put them up.*

*Friends* desirous to co-operate, are entreated to write to us immediately on receiving this, informing us exactly what we may depend on from them, that by comparing and replying to their letters, we may save time, trouble and MONEY, while we equalize the burden, by assuming our full share of it.

The friends in Walpole and in Lynn have already given us their assurance of a definite proportion of the wreathed hoops, necessary to make the millions and tracery of the plan. We hope to hear immediately from the devoted friends of the cause in other towns, because early action will spare themselves much of the fatigue and suffering from the cold weather which attend all such exertions later in the season, while it will greatly encourage our labors in the work that passed between.

N. B. We have no adequate place of storage in Boston, and therefore beg the friends to retain their contributions of greenery till Friday the 18th, and to send them WITHOUT FAIL on that day; as a longer delay would occasion an irreparable loss of time.

*Friends*, either in the city or country, who intend to give the cause the service of their personal aid, during the two days, in fitting up the decorations, are requested to let us know as soon as convenient, and in proportion to our love of the cause, will be our sense of personal obligation to them. *A strong force will be needed, from eight o'clock on Saturday and Monday mornings, both days and evenings, as the time is short, the hall large, and the Gothic screen-work bulky.*

It would be very easy, but fatal to our purpose, to hire hands; and we therefore feel that we can rely on the aid of all who appreciate that purpose, to unite with us in saving expense, in this, and every other way, especially as the unavoidable expenses will be unusually heavy this year.

imply the least complacency in its character or the feeblest desire for its success. I regard it as a conspiracy to extend the influence and multiply the monuments of a system of idolatry as false and hurtful as affliction and degrades mankind.

BENJAMIN GREEN,  
Whitinsboro', Oct. 16, 1846.

THIRTEENTH NATIONAL  
ANTI-SLAVERY FAIR,  
TO BE HELD IN  
FANEUIL HALL,  
AT THE CLOSE OF THE YEAR.

The committee of the thirteenth National Anti-Slavery Bazaar, have the pleasure of announcing that it will open in FANEUIL HALL, on Tuesday morning, December 23d, the anniversary of the landing of the Pilgrim Fathers of New-England. Our principles are identical with theirs: our enterprise is but the continuation of their grand undertaking. The place which they took in their age, we call upon all their descendants to unite with us in taking at the present time. We entreat all who love their country to aid us in delivering it from the curse and shame of slavery. This is only to be done by convincing each individual who composes the nation, that it is a sin and ought immediately to be abandoned. To this end, books and newspapers must be published, lectures sustained, and a multitude of incidental expenses incurred in the prosecution of the work. We therefore entreat every lover of Freedom and of Man whom this page meets, to ask himself—What can I do to further this great undertaking? Perhaps there is scarcely an individual who cannot by energy and co-operation with others, effect much in his vicinity. Surely no friend of right and justice, whether man or woman, will refuse to listen to a few words.

Loring Moody offered the following resolutions:

*Resolved*, in view of the principles and policy

which have controlled the action of the Federal government from the adoption of the Constitution,

until the present time,—whereby it is shown that

their primary object has been, and is now, to protect,

defend, and extend the system of slavery—to the

utter subversion of the principles of freedom, and

the rights of the free States, and the entire hopelessness

of any reform in the National administration.

That Massachusetts owned it to herself, to

poverty and the world, to immediately sever from

the Union, and either by herself, or in connection

with such other States or individuals as may join her,—to form such a government as the dictates of

Christianity, the experience of the past, the light of

the present, and the protection to the utmost, of the

rights of every individual, shall seem to require.

*Resolved*, That the just light in which we can

look upon the present war of the United States upon

the republic of Mexico, is that of a strong and powerful robber—murdering and plundering his weak and comparatively helpless victim.

*Resolved*, That while some are pointing public indignation at Messrs. Pearson and Hannum for their infamous violation of the law and insult to the character of this Commonwealth, our minds rest rather

on the cause why such men are found to blot the fair

face of this community;—and in our opinion it is

that man manifesting of the religious sentiment,

which we call the Church of Christ, has been utterly

reverent to its duty: else Southern plantations

would not turn their overseers from New-England

villages, nor Southern States find the sternest sup-

porters of their laws among Boston merchants.

*Resolved*, That, apart from the moral view of this

subject, we see in the slave system a great moneyed

interest closely allied with large political power; and,

in this, when the dullest cannot but perceive

that wealth, and especially associated wealth, is one

of the strongest, if not the strongest element in the

governing influence of every nation, we cannot

hope, while united with slaveholding States into

one community, to escape this uniform tendency of

the *slave* generally while this close corporation of

slaveholders has a greater amount of political power than would naturally have fallen to their share.

*Resolved*, That, in our opinion, the Union is, to the so-called church, the main bulwark of

slavery, and that whatever may be the character of

the Constitution, and whatever may have been the

views of the Northern States, it is still a fact, in

the words of the Prisoner's Friend—which every abolitionist who can afford to, should patronize to aid friend Spear in his day of heavy trial and preternatural affliction.

In behalf of the friends of the cause here, I tender

sincere thanks to the speakers who labored so elo-

quently and heartily to reform the public sentiment

so long neglected by those whose duty it is to watch

over the morals of the people. You volunteered in a

service to which they will not enlist and cannot be

pressed into, even though the people are hungering

and thirsting for the truth. But a day of reckoning is at hand with those unjust steward.

It was voted to adjourn the meeting to Billerica, on Wednesday, the 3d of February next, at ten o'clock in the forenoon.

LEVI D. SMITH, Sec'y pro. tem.

RIOTOUS OUTRAGE IN BEHALF OF THIRD

PARTY.

MARLBOROUGH, Nov. 3d, 1846.

FRIEND QUINCY:

The evil spirit is not yet cast out in Massachusetts.

The old Commonwealth is still to be the scene of

outrage and violence. We have fought the wild

beasts of Whigism and Democracy, and now the

lean, lank form of Birneyocracy has reared its head,

and begins to dart its fangs at the friends of the

slave. Failing in argument, it too resorts to the

treacherous stratagem of a *knave* to get rid of the

truth.

This address is signed by Wm. Jackson, President,

J. W. C. Pennington, F. H. Byrd, Secretaries.

What an excellent principle! How palpably true!

Why are not the writers ready to act upon it at home, and in relation to the American Church?

THE LIBERTY BELL.

This address has always been one of the most profitable

departments of the Fair, and we earnestly commend

it to the liberality of the well-wishers of the cause,

both in the city and the country. Every kind of produc-

tion and refreshment, (except wine, &c.,) will be

available.

To the simple provisions which are to be had at

the Fair, we add a few additional articles which

will be available.

THE EVENINGS OF THE FAIR.

Some of these will be made interesting by the

speeches of eloquent advocates of the cause, among

whom it is hoped will be Garrison, H. C. Wright,

and many of the more recent advocates, who

comprehend the mighty additional influences that

the fact of speaking on the Anti

